



# भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित  
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No. 52] NEW DELHI, DECEMBER 29, 2024—JANUARY—4, 2025, SATURDAY/PAUSHA 8—PAUSHA 14, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 18 दिसम्बर, 2024

का.आ. 2272.—केन्द्रीय सरकार, राजभाषा नियमावली, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, वित्तीय आसूचना एकक-भारत, जीवन भारती बिल्डिंग, कनॉट प्लेस, नई दिल्ली, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/1/2016- ए.डी.(हिन्दी-IV)]

शिशिर शर्मा, संयुक्त निदेशक (राजभाषा)

**MINISTRY OF FINANCE****(Department of Revenue)**

New Delhi, the 18th December, 2024

**S.O. 2272.**—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Financial Intelligence Unit-India, 7<sup>th</sup> Floor, Tower-2, Jeevan Bharati Building, Cannaught Place, New Delhi-110001, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/1/2016- AD(Hindi-IV)]

SHISHIR SHARMA, Jt. Director (OL)

**विदेश मन्त्रालय****(सी.पी.वी. प्रभाग)**

नई दिल्ली, 31 दिसम्बर, 2024

**का.आ. 2273.**—राजनयिक और कंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्द्वारा, केंद्र सरकार भारत के दूतावास, कुवैत में बिजेन्द्र सिंह, कनिष्ठ सचिवालय सहायक, को दिसंबर 31, 2024 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी. 4330/01/2024(36)]

एस.आर.एच. फहमी, निदेशक (सीपीवी-I)

**MINISTRY OF EXTERNAL AFFAIRS****(CPV Division)**

New Delhi, the 31st December, 2024

**S.O. 2273.**—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Shri Bijender Singh, Junior Secretariat Assistant, in the Embassy of India, Kuwait as Assistant Consular Officer to perform Consular services with effect from December 31, 2024.

[F. No. T. 4330/01/2024(36)]

S.R.H FAHMI, Director (CPV-I)

**विज्ञान और प्रौद्योगिकी विभाग**

नई दिल्ली, 20 दिसम्बर, 2024

**का.आ. 2274.**—श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम अधिनियम, 1980 (1980 की संख्या 52) की धारा 6 की उप-धारा (1) और (2) के साथ पठित धारा 5 के खंड जे के प्रावधानों के तहत डॉ. के. लक्ष्मण, सदस्य राज्य सभा को दिनांक 04.12.2024 से उक्त संस्थान के सदस्य के रूप में विधिवत् निर्वाचित किया गया है।

स्थायी पता	दिल्ली का पता
1-10-6, फ्लैट 102, गियरअप उज्ज्वला अपार्टमेंट स्ट्रीट 4, अशोक नगर, हैदराबाद – 500020 दूरभाष: 9246537889, 6281970456 ईमेल:- kova.laxman@sansad.nic.in	302, स्वर्णा जयंत सदन डीलक्स, बी.डी. मार्ग नई दिल्ली – 110001 दूरभाष: 8810428087

2. निर्वाचित सदस्य के रूप में डॉ. के. लक्ष्मण के कार्यालय की अवधि 04.07.2028 तक अथवा सदन की उनकी समाप्त होने तक जो भी पहले हो, होगी।

3. डॉ. के. लक्ष्मण की सदस्यता श्री चित्रा तिरुनल आयुर्विज्ञान और प्रौद्योगिकी संस्थान, त्रिवेन्द्रम अधिनियम, 1980 के अन्य प्रावधानों के अधीन होगी।

[फा. सं. डीएसटी/एआई एससीटी/ आईएमएसटी/ आईबी/ 2023- पार्ट(1)]

डॉ. मनोरंजन मोहंती, वैज्ञानिक 'जी' एवं प्रमुख, ए आई डिवीज़न

#### DEPARTMENT OF SCIENCE AND TECHNOLOGY

New Delhi, the 20th December, 2024

**S.O. 2274.**—In terms of the provisions of Clause-J of Section-5 read with Sub-section (1) and (2) of Section 6 of the Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980 (No. 52 of 1980), Dr. K. Laxman, Member, Rajya Sabha has been duly elected to be a member of the said Institute w.e.f. 04.12.2024.

Permanent Address	Delhi Address
1-10-6, Flat 102, Gearup's Ujjwala Apartment Street 4, Ashok Nagar, Hyderabad – 500020 Tel. 9246537889, 6281970456 Email:- kova.laxman@sansad.nic.in	302, Swarna Jayant Sadan Deluxe, B.D. Marg, New Delhi – 110001 Tel. 8810428087

2. The term of Office of Dr. K. Laxman as the elected member shall be up to 04.07.2028 and the same shall come to an end as soon as he ceases to be Member of the House, whichever is earlier.

3. The membership of Dr. K. Laxman shall be subject to other provisions of Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum Act, 1980.

[F. No. DST/AI/SCTIMST/IB/2023-Part(1)]

Dr. MANORANJAN MOHANTY, Scientist-G & Head, AI Division

#### भारी उद्योग मंत्रालय

(हिंदी अनुभाग)

नई दिल्ली, 31 दिसम्बर, 2024

**का.आ. 2275.**—केंद्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथासंशोधित 1987, 2007 और 2011) के नियम 10 के उप-नियम (4) के अनुसरण में, भारी उद्योग मंत्रालय के प्रशासनिक नियंत्रणाधीन 'ऑटोमोटिव रिसर्च एसोसिएशन ऑफ इंडिया (एआरएआई), पुणे' कार्यालय को, जिसके 80% से अधिक

कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित किया जाता है।

[फा. सं. ई-11012/2/2018-हिंदी]

विजय मित्तल, संयुक्त सचिव

**MINISTRY OF HEAVY INDUSTRIES**

**(Hindi Section)**

New Delhi, the 31st December, 2024

**S.O. 2275.**—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended in 1987, 2007 and 2011), the Central Government hereby notifies the **The Automotive Research Association of India (ARAI), Pune**, an office under the administrative control of the Ministry of Heavy Industries, wherein more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11012/2/2018-Hindi]

VIJAY MITTAL, Jt. Secy.

**श्रम और रोजगार मंत्रालय**  
नई दिल्ली, 26 दिसम्बर, 2024

**का.आ. 2276.**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मेसर्स बीएसईएस यमुना पावर लिमिटेड के कारखानों और प्रतिष्ठानों के नियमित कर्मचारियों को उक्त अधिनियम के संचालन से छूट प्रदान करती है और यह छूट राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए प्रभावी होगी।

2. यह छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

(क) कारखानों और प्रतिष्ठानों द्वारा कर्मचारियों का एक रजिस्टर रखा जाएगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट होंगे;

(ख) कर्मचारियों को उक्त अधिनियम के अधीन ऐसे लाभ प्राप्त होते रहेंगे जिनके लिए वे छूट की तारीख से पहले संदत्त अभिदाय के आधार पर पात्र होते;

(ग) छूट प्रदत्त अवधि के लिए अभिदाय, यदि पहले ही संदत्त किया जा चुका है, का प्रतिदाय नहीं किया जाएगा;

(घ) उक्त कारखाने और प्रतिष्ठान का नियोक्ता ऐसे प्रपत्रों में ऐसी विवरणियां प्रस्तुत करेगा और इनमें ऐसे विवरण सम्मिलित होंगे जो उक्त अवधि के संबंध में प्राप्त थे, जिसके लिए वह फैक्ट्री कर्मचारी राज्य बीमा (सामान्य) विनियम 1950 के अधीन संचालन के अधीन थी।

(ङ.) उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन निगम द्वारा नियुक्त एक सामाजिक सुरक्षा अधिकारी या निगम द्वारा इस संबंध में प्राधिकृत कोई अन्य अधिकारी, निम्नलिखित प्रयोजनों के लिए -

(i) उक्त अवधि के लिए उक्त अधिनियम की धारा 44 की उपधारा (1) के अधीन, प्रस्तुत किसी भी विवरणी में निहित विवरण का सत्यापन करने; या

(ii) यह सुनिश्चित करने कि क्या उक्त अवधि के लिए कर्मचारी राज्य बीमा (सामान्य) विनियम, 1950 के अनुसार आवश्यक रजिस्टर और रिकॉर्ड रखे गए थे; या

(iii) यह सुनिश्चित करने कि क्या कर्मचारी नियोक्ता द्वारा नकद और अन्य प्रकार के लाभों के पात्र बने रहेंगे, जिनके आधार पर इस अधिसूचना के अधीन छूट दी जा रही है; या

(iv) यह सुनिश्चित करना कि क्या अधिनियम के किसी भी उपबंध का उस अवधि के दौरान अनुपालन किया गया था जब उक्त कारखाने और स्थापना के संबंध में ऐसे उपबंध लागू थे -

(क) प्रधान या आसन्न नियोक्ता से ऐसी जानकारी की अपेक्षा करेगा जिसे वह उक्त अधिनियम के प्रयोजन के लिए आवश्यक समझे; या

(ख) किसी भी उचित समय पर ऐसे प्रधान या आसन्न नियोक्ता द्वारा अधिगृहित किसी कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में प्रवेश करेगा और वहां के प्रभारी किसी व्यक्ति से अपेक्षा करेगा कि वह उसे कर्मचारियों के रोजगार और मजदूरी के संदाय से संबंधित खाते, लेखा बही और अन्य दस्तावेज प्रस्तुत करें और जांच करने की अनुमति दे या उसे ऐसी जानकारी प्रदान करें जिसे वह आवश्यक समझे; या

(ग) प्रधान या आसन्न नियोक्ता, उसके अभिकर्ता या सेवक, या ऐसे कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में पाए जाने वाले किसी व्यक्ति या किसी ऐसे व्यक्ति की जांच करेगा जिसके बारे में उक्त निरीक्षक या अन्य अधिकारी के पास यह मानने का उचित कारण हो कि वह कर्मचारी रह चुका है; या

(घ) ऐसे कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की प्रतियां मांगेगा या उससे संदर्भित अंश प्राप्त करेगा; या

(ङ) ऐसी अन्य शक्तियों का प्रयोग करेगा जो विनिर्दिष्ट की जाएं।

3. विनिवेश या निगमीकरण के मामले में, दी गई छूट रद्द कर दी जाएगी और नई इकाई छूट के लिए समुचित सरकार को आवेदन कर सकेगी।

[फा. सं. एस-38014/03/2024-एस एस-1]

डी.एम. खरे, अवर सचिव

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 26th December, 2024

**S.O. 2276.**—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948)(hereinafter referred to as the said act.), the Central Government hereby exempts the regular employees of factories and establishments of the M/s BSES Yamuna Power Limited from the operation of the said Act and the exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

(a) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees';

(b) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date of exemption;

(c) the contribution for the exempted period, if already paid, shall not be refundable;

(d) the employer of the said factory and establishment shall submit such returns in such forms and containing such particulars as were due from it in respect of the said period to which that factory was subject to the operation under the Employees' State Insurance (General) Regulations, 1950;

(e) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purposes of —

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or

- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment may —

(a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of the said Act; or

(b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

(d) ask for copies of or take extracts from any register, account

book or other document maintained in such factory, establishment, office or other premises; or

(e) exercise such other powers as may be specified;

3. In case of disinvestment or corporatisation, the exemption granted shall be cancelled and the new entity may apply to the appropriate Government for exemption.

[F. No. S-38014/03/2024-SS-I]

D.M. KHARE, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2024

**का.आ. 2277.**—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राउरकेला स्टील प्लांट के कारखानों और प्रतिष्ठानों के नियमित कर्मचारियों को उक्त अधिनियम के संचालन से छूट प्रदान करती है और यह छूट राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से एक वर्ष की अवधि के लिए प्रभावी होगी।

2. यह छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

(क) कारखानों और प्रतिष्ठानों द्वारा कर्मचारियों का एक रजिस्टर रखा जाएगा जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट होंगे;

(ख) कर्मचारियों को उक्त अधिनियम के अधीन ऐसे लाभ प्राप्त होते रहेंगे जिनके लिए वे छूट की तारीख से पहले संदत्त अभिदाय के आधार पर पात्र होते;

(ग) छूट प्रदत्त अवधि के लिए अभिदाय, यदि पहले ही संदत्त किया जा चुका है, का प्रतिदाय नहीं किया जाएगा;

(घ) उक्त कारखाने और प्रतिष्ठान का नियोक्ता ऐसे प्रपत्रों में ऐसी विवरणियां प्रस्तुत करेगा और इनमें ऐसे विवरण सम्मिलित होंगे जो उक्त अवधि के संबंध में प्राप्त थे, जिसके लिए वह फैक्ट्री कर्मचारी राज्य बीमा (सामान्य) विनियम 1950 के अधीन संचालन के अधीन थी।

(ङ.) उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन निगम द्वारा नियुक्त एक सामाजिक सुरक्षा अधिकारी या निगम द्वारा इस संबंध में प्राधिकृत कोई अन्य अधिकारी, निम्नलिखित प्रयोजनों के लिए -

- (i) उक्त अवधि के लिए उक्त अधिनियम की धारा 44 की उपधारा (1) के अधीन, प्रस्तुत किसी भी विवरणी में निहित विवरण का सत्यापन करने; या
- (ii) यह सुनिश्चित करने कि क्या उक्त अवधि के लिए कर्मचारी राज्य बीमा (सामान्य) विनियम, 1950 के अनुसार आवश्यक रजिस्टर और रिकॉर्ड रखे गए थे; या
- (iii) यह सुनिश्चित करने कि क्या कर्मचारी नियोक्ता द्वारा नकद और अन्य प्रकार के लाभों के पात्र बने रहेंगे, जिनके आधार पर इस अधिसूचना के अधीन छूट दी जा रही है; या
- (iv) यह सुनिश्चित करना कि क्या अधिनियम के किसी भी उपबंध का उस अवधि के दौरान अनुपालन किया गया था जब उक्त कारखाने और स्थापना के संबंध में ऐसे उपबंध लागू थे -

(क) प्रधान या आसन्न नियोक्ता से ऐसी जानकारी की अपेक्षा करेगा जिसे वह उक्त अधिनियम के प्रयोजन के लिए आवश्यक समझे; या

(ख) किसी भी उचित समय पर ऐसे प्रधान या आसन्न नियोक्ता द्वारा अधिगृहित किसी कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में प्रवेश करेगा और वहां के प्रभारी किसी व्यक्ति से अपेक्षा करेगा कि वह उसे कर्मचारियों के रोजगार और मजदूरी के संदाय से संबंधित खाते, लेखा बही और अन्य दस्तावेज प्रस्तुत करें और जांच करने की अनुमति दे या उसे ऐसी जानकारी प्रदान करें जिसे वह आवश्यक समझे; या

(ग) प्रधान या आसन्न नियोक्ता, उसके अभिकर्ता या सेवक, या ऐसे कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में पाए जाने वाले किसी व्यक्ति या किसी ऐसे व्यक्ति की जांच करेगा जिसके बारे में उक्त निरीक्षक या अन्य अधिकारी के पास यह मानने का उचित कारण हो कि वह कर्मचारी रह चुका है; या

(घ) ऐसे कारखाने, प्रतिष्ठान, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की प्रतियां मांगेगा या उससे संदर्भित अंश प्राप्त करेगा; या

(ङ) ऐसी अन्य शक्तियों का प्रयोग करेगा जो विनिर्दिष्ट की जाएं।

3. विनिवेश या निगमीकरण के मामले में, दी गई छूट रद्द कर दी जाएगी और नई इकाई छूट के लिए समुचित सरकार को आवेदन कर सकेगी।

[फा. सं. एस-38014/11/2020-एस एस-1]

डी.एम. खरे, अवर सचिव

New Delhi, the 26th December, 2024

**S.O. 2277.**—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948) (hereinafter referred to as the said act.), the Central Government hereby exempts the regular employees of factories and establishments of the Rourkela Steel Plant from the operation of the said Act, and the exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (a) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (b) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date of exemption;
- (c) the contribution for the exempted period, if already paid, shall not be refundable;
- (d) the employer of the said factory and establishment shall submit such returns in such forms and containing such particulars as were due from it in respect of the said period to which that factory was subject to the operation under the Employees' State Insurance (General) Regulations, 1950;
- (e) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purposes of —



- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment may —

(a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of the said Act; or

(b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

(d) ask for copies of or take extracts from any register, account

book or other document maintained in such factory, establishment, office or other premises; or

(e) exercise such other powers as may be specified;

3. In case of disinvestment or corporatisation, the exemption granted shall be cancelled and the new entity may apply to the appropriate Government for exemption.

[F. No. S-38014/11/2020-SS-I]

D.M. KHARE, Under Secy.

नई दिल्ली, 30 दिसम्बर, 2024

**का.आ. 2278.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधतंत्र, संबद्ध नियोजको और श्री विशेष यादव के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (32/2018) प्रकाशित करती है।

[सं. एल-12012/92/2017-आई आर (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 30th December, 2024

**S.O. 2278.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 32/2018**) of the *Central Government Industrial Tribunal-cum-Labour Court Kanpur* as shown in the Annexure, in the industrial dispute between the management of **Indian Overseas Bank** and **Sh. Vishesh Yadav**.

[No. L-12012/92/2017-IR(B-II)]

SALONI, Dy. Director



**ANNEXURE****Before Shri Soma Shekhar Jena, Presiding Officer****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT****KANPUR****PRESENT****SOMA SHEKHAR JENA****HJS (Retd.)****I.D. No. 32 of 2018****L-12012/92/2017-IR(B-II) dated 20.02.2018****BETWEEN****Shri Awadh Prakash Bajpai,****Legal Secretary, Rashtriya Mazdoor Congress (INTUC)****29/A, Kabir Nagar, Dayalbagh,****Agra(U.P.)****AND**

1. The Branch Manager, Indian Overseas Bank, By Pass Road, Shringar Aratauni, Agra (U.P.) – 282007.
2. The Chief Regional Manager, Indian Overseas Bank, Regional Office, 3<sup>rd</sup> Floor, Navchetana Kendra, 10, Ashok Marg, Lucknow- 226001.
3. The General Manager, Indian Overseas Bank, Central Office, 763, Anna Salai, Chennai (Tamilnadu) – 600002.

**AWARD**

1. This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India, Ministry of Labour in letter No. **L-12012/92/2017-IR(B-II) dated 20.02.2018.**

*“Whether the act of the management of the Indian Overseas Bank Agra for not regularization of the services of Sh. Vishesh Yadav is justified or not. If so, whether Sh. Vishesh Yadav is entitled for regularization or not and what directions are necessary in the matter ?”*

2. Claimant (hereinafter stated as the claimant )has filed the statement of claim with averments which may be concisely stated as hereafter:

1. That Shri Vishesh Yadav S/o Late. Mr. Mohanlal Yadav was employed by the employers on the post of Temporary Messenger for the post of sub staff in the branch office of the opposition establishment, Artauni, Agra on 01.07.2008. Since the time the said workman was employed with the employers, he has been doing all the work with uninterrupted service which is being taken by the employers from the sub-staff/messengers. The applicant was employed with the employer at a time when the post of sub-staff/permanent messenger was vacant and there was no permanent messenger. And till date no permanent messenger has been appointed. The job of messenger is being done by the applicant himself. The applicant has been in employment with the said employers since then. No year passed in which he worked for less than 240 days. The work of sub staff/messenger with the employers is of permanent nature and it is necessary to make the applicant / worker permanent for work of permanent nature. It is averred that while keeping the applicant/labourer in service, it was told that he would be made permanent after one year in service but when he was not made permanent in the service even after one year, he demanded for permanent service before the employers, then he was told that the scheme of permanent service would be coming soon, in that event he would be absorbed in permanent post.

The applicant continued to work on the assurance of the employers and in the year 2011, the applicant was told that the scheme of permanentisation/regularization has come in the bank. Applications were sought by the employers in the year 2011 for making the applicant / laborer Vishesh Yadav and his workers working in different branches of the bank regular / permanent in the service on the basis of settlement dated 17.02.11. Like other workers, the application was also given by the applicant / worker, the application, their original educational certificates were attached along with the application form on the demand of the employers.

3. The averments of the O.P. bank are summarized as stated below:

Vishesh Yadav was engaged as a casual labourer for occasional work on daily wages in the Artoni branch and he was paid his wages on the basis of work done by him. It is pleaded by the bank that in the settlement dated 17.02.2011

there was essential condition that the candidate should have been working as temporary messenger/ Sweeper and should have completed 240 days or more in a calendar year preceding 15.11.2010. The claimant (Vishesh Yadav) was not appointed in any post by the bank. The management of the O.P. bank is bound by the rigid rules in matters relating to appointment and the service conditions of its employees.

4. In the rejoinder filed by the claimant he had challenged the acceptability of the written statement stating that the authorized signatory has not clarified for whom the written statement dated 26.10.2022 has been filed. In the rejoinder claimant had submitted that the claimant had been working with effect from 01.07.2008 in the O.P. bank. His contemporary casual workers namely Amardeep, Manish Hansani and Man Singh were absorbed in regular posts by the O.P. bank. In substance the claimant has reiterated his claims in the statement of claim.

5. For adjudication of the industrial dispute raised by the claimant the following points are to be answered:

(a) Whether claimant Vishesh Yadav is legally entitled for regularization of services by the management of the O.P. Indian Overseas Bank?

(b) To what other relief claimant is legally entitled?

(a) Though the claimant claims that he had worked in the Artoni Branch of the Indian Overseas Bank it is evident from the evidence adduced by him that he was never appointed in the bank by any regular rigid selection process of recruitment followed by the nationalised bank. In course of cross-examination he has admitted that no letter of appointment was issued to him by the O.P. bank and that he was engaged on daily wages. Though claimant claims that he was paid on weekly basis his statement will not alter his status as daily wagger. Though the claimant has submitted that junior workers namely Amardeep, Manish Hansani, Man Singh, Bachhu Singh and Sunny have been regularized by the O.P. bank, there is no clear evidence that any discrimination was actually done to the claimant by the O.P. bank. This apart it is well settled in law that if some workers have been regularized by way of back door entry the same benefit cannot be legally extended to other claimants. It is clear from the evidence by witness Bhanu Pratap Singh that no muster roll of the employee was maintained in the concerned bank. Though this witness had no dissatisfaction on the work of the claimant on that ground the claimant cannot be absorbed on regular post in the O.P. bank in flagrant violation of rules of recruitment. Even if, the claimant had worked continuously for 240 days in a calendar year prior to his disengagement the claimant is not legally entitled to absorption in permanent vacancy of the O.P. bank. It may be a fact that O.P. witness Bhanu Pratap Singh is not able to state the exact ground of non-selection and non-absorption of the claimant in the regular post of the O.P. bank. His inability to state the ground of non-absorption of the claimant by the O.P. management will not any enure any advantage to the claimant in the matter of absorption in any post.

The claimant has referred to Article 23 and Article 25 of the Universal Declaration of Human Rights. He has relied on Article 6 and Article 7 of the International Covenant on Economic, Social And Cultural Rights. It is doubtful if the above stated provisions in the Universal Declaration of Human Rights and International Covenant on Economic Social and Cultural Rights can be interpreted to the extent of conferring rights upon the claimant for absorption on permanent post in the nationalized bank by a way which is almost a back door entry.

The claimant has relied on the case laws Delhi International Airport Private Limited Vs. Union of India and others reported in Civil Appeals No. 7872 of 2011 with Nos. 7873-76 and 7878-79 of 2011, U.P. State Electricity Board Vs. Pooran Chandra Pandey and others reported in 2008 (116) FLR 1172, Shihore Municipality Vs. Gujrat Mazdoor Sangh reported in 2019 (163) FLR 727.

The facts of the case law Chennai Port Trust Appellant versus The Chennai Port Trust Industrial Employees Canteen Workers Welfare Association and Ors. pronounced by the Hon'ble Supreme Court of India in Civil Appeal No. 1381 of 2010 are manifestly dissimilar to the facts of the case in hand. In the case law Food Corporation of India Appellant versus Gen. Secy, FCI India Employees Union & Ors. respondent pronounced by the Hon'ble Supreme Court in Civil Appeal No. 10499 of 2011 the claims of contract labour for regularization was affirmed. The said judgement pronounced by the Hon'ble Supreme Court of India will not strengthen the claim of Vishesh Yadav for regularization in permanent vacancy under the O.P. management. In the case law Devinder Singh Vs. Municipal Council, Sanaur reported in Civil Appeal No. 3190 of 2011 pronounced by the Hon'ble Supreme Court of India it seen that the worker was employed as a clerk for six months on contract basis and his engagement was extended again for six months from 01.1.1995 to 20.04.1996 and again his engagement was extended for six months from 01.05.1996 and his engagement was discontinued w.e.f. 30.09.1996 without notice or pay in lieu thereof. It is under those circumstances the Hon'ble Supreme Court of India affirmed reinstatement with back wages from the date of the award to the date of actual reinstatement. Vishesh Yadav was not appointed by the O.P. in any post of the bank, he was engaged as a daily wagger and the judgement of the Hon'ble Supreme Court of India in Civil Appeal No. 3190 of 2011 will not bolster up his claim for regularization. The circumstances under which the other judgements relied by the claimant workman were pronounced are dissimilar from the facts of the instant case in hand. It cannot be ignored that the Tribunal cannot pronounce judgement of regularization or absorption on permanent vacancy flouting the rigid rules of recruitment in force in the nationalized banks.

The law in this regard has been well expounded in the case law Deputy Executive Engineer v. Kuberbhai Kanjibhai, (2019) 1 CLR 497 (SC): (2019) 4 SCC 307.

In Deputy Executive Engineer v. Ku-berbhai Kanjibhai, the Hon'ble Apex Court had referred to several earlier judgments and had quoted with approval the ratio as expounded in Bharat Sanchar Nigam Limited v. Bhurumal, to the following effect:-

"33. It is clear from the reading of the aforesaid judgments that the ordinary principle of grant of reinstatement with full back wages, when the termination is found to be illegal is not applied mechanically in all cases. While that may be a position where services of a regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimisation, unfair labour practice, etc. However, when it comes to the case of termination of a daily-wage worker and where the termination is found illegal because of a procedural defect, namely, in violation of section 25F of the Industrial Disputes Act, this Court is consistent in taking the view that in such cases reinstatement with back wages is not automatic and instead the workman should be given monetary compensation which will meet the ends of justice. Rationale for shifting in this direction is obvious. 34. The reasons for denying the relief of reinstatement in such cases are obvious. It is trite law that when the termination is found to be illegal because of non-payment of retrenchment compensation and notice pay as mandatorily required under section 25F of the Industrial Disputes Act, even after reinstatement, it is always open to the management to terminate the services of that employee by paying him the retrenchment compensation. Since such a workman was working on daily-wage basis and even after he is reinstated, he has no right to seek regularisation [see State of Karnataka v. Umadevi]. Thus when he cannot claim regularisation and he has no right to continue even as a daily-wage worker, no useful purpose is going to be served in reinstating such a workman and he can be given monetary compensation by the Court itself inasmuch as if he is terminated again after reinstatement, he would receive monetary compensation only in the form of retrenchment compensation and notice pay. In such a situation, giving the relief of reinstatement, that too after a long gap, would not serve any purpose."

Even the provisions mentioned in the bipartite settlement cannot be read to the extent of violating the pronouncements of the Hon'ble Supreme Court of India in the matter of absorption in regular posts in nationalized banks.

In view of the discussions stated above the claimant having worked on daily wage basis is not entitled for absorption in regular vacancy in the O.P. bank.

Answer to this point goes against the claimant.

(b) To what other relief claimant is legally entitled?

Claimant has worked in the O.P. bank from 01.07.2008 up to 2022 as claimed by him. He is entitled to compensation which cannot be worked out with mathematical exactitude.

As a daily wage claimant is not entitled to get compensation as per section 25-F of the Industrial Disputes Act, 1947. Considering the long period of his work and by guess work, he can be paid Rupees One Lakh Fifty Thousand by way of compensation which shall be deposited in the account of the claimant before 61<sup>st</sup> day after publication of the award failing which the claimant will be entitled to get simple interest at the rate of Seven and half per cent per annum on the said amount.

Parties are left to bear their respective costs.

13-07-2023

SOMA SHEKHAR JENA, Presiding Officer